

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

JUDGMENT IN A CIVIL CASE

DONATO NAPPI,

Petitioner,

vs.

9:12-CV-01193 (JKS)

**BRUCE YELLACH, Superintendent,
Bare Hill Correctional Facility,**

Respondent.

[x] Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED, that pursuant to the Memorandum Decision of the Hon. James K. Singleton, Jr., United States District Judge, dated May 30, 2014, the Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (Dkt. No. 1) is **DENIED**. **IT IS FURTHER ORDERED THAT** the Court grants a Certificate of Appealability solely to his claim that his right to confrontation was violated by the trial court's order precluding him from cross-examining his wife about her alleged relationship with Del Dyman. 28 U.S.C. § 2253(c); *Banks v. Dretke*, 540 U.S. 668, 705 (2004) ("To obtain a certificate of appealability, a prisoner must 'demonstrat[e] that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.'" (quoting *Miller-El*, 537 U.S. at 327)). Any further request for a Certificate of Appealability must be addressed to the Court of Appeals. See FED. R. APP. P. 22(b); 2D CIR. R. 22.1.

DATED: May 30, 2014


Clerk of Court

ENTERED 5/30/2014

BY PTM

-S-

PTM

Deputy Clerk